

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SUZANNE MARIE MCMILLAN,

Plaintiffs,

v.

NELSON A. RODRIGUEZ-NEGRON, et al.,

Defendants.

CIVIL NO. 19-1639 (CCC)

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is defendant Nelson Rodríguez-Negrón (“Rodríguez-Negrón” or “Defendant”) Motion for Sanctions against Plaintiff McMillan (“McMillan” or “Plaintiff”). (Docket No. 39). Defendant’s motion avers that Plaintiff’s original complaint lacked legal basis and that the allegation did not state a cause of action. *Id.* at 7. The Court referred Defendant’s motion to Magistrate Judge Marshal D. Morgan for disposition. (Docket No. 44). Judge Morgan issued a Report and Recommendation, concluding that Defendant’s Motion should be granted. (Docket No. 77). McMillan disagreed with Judge Morgan’s findings by timely objecting to his Report. (Docket No. 89). Defendant opposed McMillan’s Objections to Judge Morgan’s Report. (Docket No. 93).

Upon *de novo* review, the Court has examined Judge Morgan’s Second Report and Recommendation, as well as Plaintiff’s objections thereto. The undersigned is again in full accord with Judge Morgan’s *ratio decidendi* imposing sanctions to McMillan and her attorney. Previously this Court granted Codefendant Buxó’s Motion for Sanctions against McMillan. (Docket No. 70). In such Order, the Court ruled that McMillan’s original complaint lacked merit and that its filing warranted sanctions. Here, just like the first time the Court imposed sanction to McMillan, the Court

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1 finds that the original complaint's claims were frivolous and had an improper purpose. Thus, the
2 Court once again imposes sanctions to McMillan, but this time on behalf Rodríguez-Negrón's
3 request for sanctions for the filing of the complaint.

4 In conclusion, the Court **ADOPTS** Judge Morgan's Report and Recommendation in its
5 entirety. As such, Rodríguez-Negrón's Motion for Sanctions is **GRANTED**. (Docket No. 39).
6 McMillan and her attorney will be subject to the sanctions recommended by Judge Morgan in its
7 Report and Recommendation. (Docket No. 77 at 3-4). Additionally, Defendant shall file a detailed
8 accounting of her reasonable attorney's fees and costs within (14) fourteen days of the entry of this
9 Order.

10 **SO ORDERED.**

11 In San Juan, Puerto Rico this 21st day of December 2020.

12 *s/Gustavo A. Gelpi*
13 GUSTAVO A. GELPI
14 Chief United States District Judge
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